

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ernest L. Higgins,

Civil No. 06-1124 (RHK/RLE)

Petitioner,

vs.

ORDER

Warden R.L. Morrison,

Respondent.

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is **ORDERED**:

1. The Report and Recommendation (Doc. No. 12) is **ADOPTED**;
2. The Petition for Writ of Habeas Corpus (Doc. No. 1) is **DISMISSED AS MOOT**; and
3. Respondents' Motion to Dismiss Petitioner's Habeas Petition Pursuant to Title 28 U.S.C.

§ 2241 as Moot (Doc. No. 8) is **GRANTED**.

Dated: January 30, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge